


# COMMONWEALTH OF VIRGINIA

## Department of Environmental Quality

**Subject:** Guidance Memorandum No. 19-2003 - Virginia Water Protection (VWP) Permit and Compliance Manual

**To:** Regional Directors; Regional VWPP/Water Permit Managers; VWPP Staff; Enforcement Staff

**From:** Melanie D. Davenport, Director, Water Permitting Division 

**Date:** October 28, 2019

**Copies:** Virginia Water Protection Permit Program managers; David Davis, Director, Office of Wetlands and Stream Protection; Scott Kudlas, Director, Office of Water Supply; Angela Jenkins, Director, Policy Division

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### Summary:

The Virginia Water Protection (VWP) Permit and Compliance Manual (Manual) is a living document that contains information, forms, and instructions for VWP Permit Program staff regarding the review of permit applications; the issuance, modification, termination, transfer, and waiver of VWP permits; and conducting compliance for the program, per State Water Control Law (Chapter 3.1 of § 62.1 of the Code of Virginia) and VWP Permit Program Regulations (9VAC25-210; 9VAC25-660; 9VAC25-670; 9VAC25-680; and 9VAC25-690). The Manual also serves as a tool for process consistency across regional VWP Permit Program offices. A separate manual in the DEQ Office of Water Supply and Planning addresses in more detail the permitting of specific activities related to surface water withdrawals and water supply projects.

This Manual undergoes periodic updates and revisions through a collaborative process. The purpose of this guidance is to update the Manual primarily due to Virginia statutory amendments; changes to associated federal and/or state laws and regulations; and recent decisions made regarding the processing of VWP permits.

This guidance supersedes the following Guidance Memoranda, identified herein for official rescinding, in whole or in part, based on its relevance to current law or regulations pertaining to the VWP Permit Program:

- DEQ Guidance Memorandum GM18-2008 *Virginia Water Protection (VWP) Permit and Compliance Staff Manual* (December 19, 2018).
- DEQ Guidance Memorandum GM09-2004 *Applying Compensatory Mitigation Preferences Provided in the EPA Mitigation Rule to Virginia Water Protection Permitting* (March 19, 2009).
- *(VWP Permit Program portions only)* DEQ Guidance Memorandum GM01-2012 *Siting Storm Water BMPs in Surface Waters and the Application of Temperature Standard to Impoundments* (April 18, 2001).

**Electronic Copy:**

Once effective, an electronic copy of this guidance will be available on:

- The Virginia Regulatory Town Hall under the Department of Environmental Quality at <http://www.townhall.virginia.gov/L/gdocs.cfm?agencynumber=440>
- The Department's website at <https://www.deq.virginia.gov/Programs/Water/WetlandsStreams/ResourcesLinks.aspx>

**Contact Information:**

Please contact David Davis, Director, Office of Wetlands and Stream Protection, at (804) 698-4105 or [dave.davis@deg.virginia.gov](mailto:dave.davis@deg.virginia.gov) with any questions regarding the application of this guidance.

**Certification:**

As required by Subsection B of § [2.2-4002.1](#) of the APA, the agency certifies that this guidance document conforms to the definition of a guidance document in § [2.2-4101](#) of the Code of Virginia.

**Disclaimer:**

This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, it does not mandate or prohibit any particular action not otherwise required or prohibited by law or regulation. If alternative proposals are made, such proposals will be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.